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14 **UNITED STATES DISTRICT COURT**

15 **FOR THE STATE OF NEVADA**

16 ROBERT BEDWELL and JODY BEDWELL,
17 husband and wife;

18 Plaintiffs,

19 vs.

20 BAYER AG, a German public limited company;
21 MONSANTO COMPANY, a Delaware
22 corporation; LAS VEGAS ACE, LLC, a domestic
23 limited liability company; THE HOME DEPOT,
24 INC., a Delaware corporation; and LOWE'S
25 COMPANIES, INC., a North Carolina
26 corporation, DOES 1 through 10 and ROE
27 CORPORATIONS 1 through 10, inclusive,

28 Defendants.

Case No. 2:23-cv-01356-APG-EJY

**STIPULATION AND ORDER TO
EXTEND DEADLINES (1) TO
RESPOND TO PLAINTIFFS'
AMENDED COMPLAINT, (2) TO
CONDUCT A RULE 26(F)
CONFERENCE AND (3) TO SUBMIT
A DISCOVERY PLAN**

(FIRST REQUEST)

23 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiffs Robert Bedwell and Jody Bedwell
24 ("Plaintiffs"), and Defendants Monsanto Company ("Monsanto"), Las Vegas Ace, LLC ("LV
25 Ace"), Lowe's Companies, Inc. ("Lowe's"), and The Home Depot, Inc. ("Home Depot") (these
26 four Defendants collectively referred herein as "Defendants"; "Plaintiffs" and "Defendants"
27 collectively referred herein as "Parties"), by and through their respective counsel, hereby submit
28 this Stipulation And Order To Extend Deadlines (1) To Respond To Plaintiffs' Amended

1 Complaint, (2) To Conduct A Rule 26(f) Conference, And (3) To Submit A Discovery Plan until
2 after this Court resolves Plaintiffs' Motion to Remand.

3 Plaintiffs served LV Ace with a summons and the complaint on August 9, 2023. Plaintiffs
4 served Home Depot with a summons and copy of the complaint on August 17, 2023. And Plaintiffs
5 served Lowe's with a summons and the complaint on August 18, 2023. Plaintiffs served Monsanto
6 with a summons and complaint on August 25, 2023. Bayer AG has not been served nor otherwise
7 appeared in this matter. Monsanto filed a Petition for Removal on August 30, 2023, and answered
8 the complaint on August 31, 2023. On September 6, 2023, the parties stipulated to and this Court
9 ordered that the Retail Defendants' (LV Ace, Home Depot, and Lowe's) deadline to respond to
10 Plaintiffs' Initial Complaint was continued until 14 days after this Court's decision on Plaintiffs'
11 forthcoming motion to remand.

12 On September 21, 2023, Plaintiffs filed both a Motion to Remand and First Amended
13 Complaint. Without a stipulation, Defendants would have until October 5, 2023 to file a response
14 to Plaintiffs' Amended Complaint. Also, Monsanto's answer triggered conducting the Rule 26(f)
15 conference no later than October 2, 2023, and submitting a discovery plan no later than October
16 16, 2023.

17 Good cause exists to grant these extensions. The Parties anticipate that this Court will
18 address Plaintiffs' Motion to Remand before any other motions. The Parties also agree to continue
19 the Rule 26(f) conference and submission of a discovery plan until after the Motion to Remand is
20 resolved to know whether the plan will be submitted in this Court or state court. The Parties request
21 the opportunity to preserve their and the Court's resources by resolving the issue of federal removal
22 jurisdiction prior to Defendants responding to Plaintiffs' Amended Complaint and drafting a
23 discovery plan and scheduling order. This request is not made for the purpose of delay or to cause
24 prejudice to any party.

25 The Parties therefore stipulate and agree to continue the Defendants' deadline to respond to
26 Plaintiffs' Amended Complaint until 14 days after this Court's decision resolving the Plaintiffs'
27 Motion to Remand. Furthermore, if this case remains in this Court after Plaintiffs' Motion to
28 Remand is fully resolved, the Parties further stipulate and agree that LR 26-1's deadlines for

conducting the Rule 26(f) conference and submitting the discovery plan will be triggered when the Defendants file their responses to Plaintiffs' Amended Complaint.

The Defendants do not waive – and reserve the right to assert – any and all defenses in this lawsuit and in future proceedings, including but not limited to lack of personal jurisdiction.

IT IS SO STIPULATED.

Dated this 27th day of September, 2023.

THE702FIRM INJURY ATTORNEYS

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: September 27, 2023